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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

Applicant: Ka-Ngo Leung et al.
Ser. No.: 09/641,467
Filed: 08/17/2000
For: Ion Beam Lithography System

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

OCT. 7, 2002
Signed: Henry P. Sartorio
HENRY P. SARTORIO

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE COMMUNICATION

Commissioner of Patents and Trademarks
Washington, DC 20231

RECEIVED
OCT 22 2002
OFFICE OF PETITIONS

In response to the Notice of Abandonment dated 08/08/2002, copy attached,
Applicant hereby petitions to withdraw the holding of abandonment based on failure to receive the cited office communication, i.e. the Notice to File Missing Parts dated 10/27/2000.

According to the Notice of Abandonment, the application was abandoned for failure to reply to the Notice to File Missing Parts.

Applicant's Attorney, Henry P. Sartorio, hereby states that the subject office communication was not received by him, and attests to the fact that a search of the file jacket and docket records indicates that the office communication was not received.

A copy of the relevant page of a docket record or patent calendar report where the nonreceived office communication would have been entered had it been received and docketed is attached.

When a communication is received from the USPTO, it is first processed by a docketing clerk who enters the item on the patent calendar report by due date and by Attorney handling the case. The office communication is then forwarded to the Attorney to prepare a response.

For a Notice to File Missing Parts dated 10/27/00, the normal two month period for response would end on 12/27/00 so the response would be calendared for that date.

As shown on the calendar report, there are items for 12/18, 12/25, 12/29 and 12/30, which bracket the date of 12/27. These actions remain on the calendar report until they are completed, i.e. even after the date has passed, they remain on the calendar until a response is filed with the necessary extension of time. Thus, while the date of the report is 01/16/01 it still includes the items dated in December. Since the Laboratory is closed for the last part of December, many responses are delayed until January. If the item had been removed because a response had been filed, then a copy of the response would be in the docket and on the Attorney's computer. No copy of a response has been found.

Accordingly it is submitted that the holding of abandonment should be withdrawn and the Notice to File Missing Parts should be remailed.

No fee is due with this petition.

Respectfully submitted,



Henry P. Sartorio
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Dated: October 7, 2002